

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STEVEN SANNITI,

Plaintiff,

v.

CITY OF CLEVELAND, *et al.*,

Defendants.

CASE NO. 1:23-CV-02118

JUDGE CHRISTOPHER A. BOYKO

MOTION TO FILE UNREDACTED  
BODYCAM FOOTAGE UNDER SEAL AS  
EXHIBIT TO DEFENDANTS' ANSWER

Now comes Defendants, City of Cleveland ("City") and *non sui juris* Cleveland Police Department, by and through counsel and pursuant to Rule 5.2(d) of the Federal Rules of Civil Procedure, and hereby respectfully requests permission from this Honorable Court to file under seal unredacted bodycam footage as "Exhibit A" to Defendant's Answer, and in support thereof, states:

1. Plaintiff's Complaint is primarily an allegation of "intentional" and "malicious" behavior by police officers relating to their entry into his residence in purported violation of his Fourth Amendment rights.

2. Bodycam footage of the officers at the scene uncontrovertibly refutes Plaintiff's allegations, such that the footage will result in early determination of immunity in this matter.

3. A party may overcome the presumption of openness for court filings by showing: 1) a compelling interest in sealing the records, 2) the interest in sealing outweighs the public's interest in accessing the records, and 3) the request is narrowly tailored. *Reese on Behalf of Fifth Third Bancorp v. Carmichael*, No. 1:20-CV-886, 2020 WL 6810921, at \*1 (S.D. Ohio Nov. 16, 2020), citing *Kondash v. Kia Motors Am., Inc.*, 767 F. App'x 635, 637 (6th Cir. 2019). See also *Wiggins*

*v. Bank of Am., N.A.*, No. 2:19-cv-3223, 2020 WL 7056479, at \*2 (S.D. Ohio Dec. 2, 2020) (granting motion to seal where public could understand nature of dispute “without accessing the redacted information”).

4. There is a compelling interest in sealing the footage in order to retain the privacy rights of the Plaintiff (particularly the inside of his home), as well the officers’ privacy rights of their personal conversations unrelated to police actions.

5. This interest in sealing outweighs the public’s interest in accessing the footage because the footage is important to, and may be dispositive of, the issues of qualified immunity. Immunity protections should be provided at the earliest stage possible.

6. Additionally, the public may still obtain a redacted version of said footage through the City of Cleveland’s Public Records division. This is a process that may take a significant amount of time, and thus, would not be workable or efficient for defense counsel in this matter because of statutory time limitations of potential motions.

7. This request is narrowly tailored, as filing this under seal allows it to be viewed by the parties and Court in an efficient and timely manner as they consider the merits of impending motions. As outlined above, it is still available to the public (albeit, through the longer process of public records redaction).

WHEREFORE, this City respectfully requests this Honorable Court to permit it to file the bodycam footage of the incident involved in the Complaint under seal as Exhibit A to Defendants’ Answer, in a flash drive or compact disc format.

Respectfully submitted,

MARK D. GRIFFIN (0064141)  
Director of Law

By: /s/ Affan Ali  
William M. Menzalora (0061136)  
Chief Assistant Director of Law  
Affan Ali (0085698)  
Brian Kelly (0088365)  
Assistant Directors of Law  
City of Cleveland, Department of Law  
601 Lakeside Avenue, Room 106  
Cleveland, Ohio 44114-1077  
Tel: (216) 664-2800  
Wmenzalora@clevelandohio.gov  
AAli2@clevelandohio.gov  
Bkelly@clevelandohio.gov  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was filed electronically on the 12th day of December 2023. A copy was sent via ordinary mail and via the – electronic filing system on this date to those listed below:

Michael T. Conway Esq.  
3456 Sandlewood Dr.  
Brunswick, OH 44212

/s/ Affan Ali  
Affan Ali (85698)